

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Paul Cramer,

Plaintiff,

v.

Case No. 2:18-cv-63

State of Ohio,

Defendant.

ORDER

This is an action filed pursuant to 42 U.S.C. §1983 by Paul Cramer, a pro se plaintiff, against the State of Ohio. Plaintiff alleges that his due process rights were violated when a state common pleas judge sentenced him to a period of community control of five years rather than four years, as contemplated by the plea agreement, and that the judge did not order a presentence investigation report. This matter is before the court on the February 9, 2018, report and recommendation of the magistrate judge. The magistrate judge conducted an initial screen pursuant to 28 U.S.C. §1915(e)(2). The magistrate judge concluded that plaintiff's claims, which attack his state-court conviction, are barred under Heck v. Humphrey, 512 U.S. 477 (1994), and recommended dismissal of the complaint for failure to state a claim upon which relief may be granted.

The report and recommendation specifically advised plaintiff that the failure to object to the report and recommendation within fourteen days would result in a "waiver of the right to de novo review by the District Judge and waiver of the right to appeal the judgment of the District Court." Doc. 4, p. 5. The time period for filing objections to the report and recommendation has expired,

and plaintiff has not objected to the report and recommendation.

The court has reviewed the report and recommendation and agrees with the recommendation of the magistrate judge. The court adopts the report and recommendation (Doc. 4). Plaintiff's complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

Date: February 27, 2018

s/James L. Graham
James L. Graham
United States District Judge